

87<sup>th</sup> Legislative Session – 2012

Committee: House Health and Human Services

Tuesday, February 07, 2012

P - Present  
E - Excused  
A - Absent

Roll Call

P Blake  
P Haggar  
P Hawley  
P Hickey  
P Iron Cloud III  
P Jensen  
P Lucas  
P Magstadt  
P Sly  
P Steele  
P Stricherz  
P Munsterman, Vice-Chair  
P Boomgarden, Chair

OTHERS PRESENT: See Original Minutes

The meeting was called to order by Representative Boomgarden, Chair.

MOTION: TO APPROVE THE MINUTES OF FEBRUARY 2, 2012.

Moved by: Munsterman  
Second by: Steele  
Action: Prevailed by voice vote.

HB 1268: require certain persons applying or receiving certain Medicaid financial aid or assistance from the state to submit to drug tests to check for use of controlled substances.

Proponents: Representative Mark Kirkeby  
Opponents: Kim Malsam-Rysdon, Department of Social Services (Handouts: 1, 2)

Sarah Petersen, self, Watertown  
Marlene Schulz, self, Watertown  
Greg Boris, South Dakota Voices for Children  
Shelly Pfaff, SD Coalition of Citizens with Disabilities  
Buddy Seiner, SD Head Start Association (Handout: 3)  
Tiffany Campbell, American Civil Liberties Union of SD  
Christie Johnson, SDACBS

**MOTION:** DEFER HB 1268 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Lucas  
Second by: Blake  
Action: Was not acted on.

**MOTION:** SUBSTITUTE MOTION AMEND HB 1268

1268ja

On page 1, line 6, of the printed bill, delete "Medicaid".

On page 1, line 14, delete "Medicaid".

On page 2, line 5, delete "Medicaid".

On page 2, line 6, delete everything after "." .

On page 2, delete lines 7 to 13, inclusive.

Moved by: Munsterman  
Second by: Haggar  
Action: Failed by voice vote.

THE MOTION TO DEFER HB 1268 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Lucas  
Second by: Blake  
Action: PREVAILED BY ROLL CALL VOTE. (9-4-0-0)

Voting Yes: Blake, Hawley, Hickey, Iron Cloud III, Lucas, Magstadt, Sly, Stricherz, Boomgarden

Voting No: Haggar, Jensen, Steele, Munsterman

HB 1174: provide for mandatory drug testing for certain TANF and SNAP recipients.

Proponents: Representative Mark Venner (Handout: 4)  
Stan Schwellenbach, self, Pierre  
Mary Ann Fakler, self, Rapid City  
Opponents: Kim Malsam-Rysdon, Department of Social Services (Handout: 5)  
Sarah Petersen, self, Watertown  
Greg Boris, South Dakota Voices for Children  
Buddy Seiner, SD Head Start Association  
Shelly Pfaff, SD Coalition of Citizens with Disabilities  
Marlene Schulz, self, Watertown  
Tiffany Campbell, American Civil Liberties Union of SD

MOTION: AMEND HB 1174

1174rb

On page 1, line 10, of the printed bill, after "year" insert "unless the recipient enrolls in a rehabilitation program of which the department approves and remains in the rehabilitation program to completion".

Moved by: Munsterman  
Second by: Jensen  
Action: Prevailed by voice vote.

MOTION: AMEND HB 1174

1174ra

On page 1, line 5, of the printed bill, delete everything after "benefits" .

On page 1, line 6, delete everything before "and" .

Moved by: Munsterman  
Second by: Jensen  
Action: Prevailed by voice vote.

MOTION: DO PASS HB 1174 AS AMENDED

Moved by: Munsterman

Second by: Jensen  
Action: Failed by roll call vote. (5-8-0-0)

Voting Yes: Haggar, Hickey, Jensen, Steele, Munsterman

Voting No: Blake, Hawley, Iron Cloud III, Lucas, Magstadt, Sly, Stricherz, Boomgarden

MOTION: DEFER HB 1174 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Munsterman  
Second by: Hawley  
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Blake, Hawley, Iron Cloud III, Lucas, Magstadt, Sly, Stricherz, Munsterman, Boomgarden

Voting No: Haggar, Hickey, Jensen, Steele

HB 1259: provide an exception to vaccination requirements for personal beliefs.

Proponents: Representative Lora Hubbel (Handout: 6)  
Joel Finck, self, Tabor  
Jeff Monroe, self, Pierre  
Opponents: Wendell Hoffman, SD State Medical Association  
Doneen Hollingsworth, Department of Health  
Angie Brown, Children's Care Hospital and School (Handout: 7)  
David Hewett, SD Association of Healthcare Organizations  
Brittany Novotny, SD Nurses Association

MOTION: DEFER HB 1259 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Magstadt  
Second by: Hawley  
Action: Prevailed by roll call vote. (9-4-0-0)

Voting Yes: Blake, Hawley, Hickey, Iron Cloud III, Lucas, Magstadt, Sly, Munsterman, Boomgarden

Voting No: Haggar, Jensen, Steele, Stricherz

HB 1187: exempt health care sharing ministries from the provisions of the health insurance code.

Proponents: Joel Finck, self, Tabor

HB 1175: provide for certain further exemptions from certain childhood immunizations.

Proponents: Representative Mark Venner

Joe Faddoul, self, Pierre

Opponents: Marty Allison, SD State Medical Association

Doneen Hollingsworth, Department of Health

Wendell Hoffman, SD State Medical Association

MOTION: RECESS THE MEETING UNTIL 15 MINUTES FOLLOWING TODAY'S LEGISLATIVE SESSION.

Moved by: Munsterman

Second by: Jensen

Action: Prevailed by voice vote.

THE HOUSE HEALTH AND HUMAN SERVICES COMMITTEE RECONVENED AT 3:55 P.M.

Representative Venner gave further rebuttal on testimony of the opponents presented at the morning meeting regarding HB 1175.

Doneen Hollingsworth, secretary, department of health, answered questions of committee members and distributed handouts: 8, 9, and 10.

MOTION: DEFER HB 1175 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Magstadt

Second by: Blake

Action: Prevailed by roll call vote. (9-3-1-0)

Voting Yes: Blake, Hawley, Hickey, Iron Cloud III, Lucas, Magstadt, Sly, Munsterman, Boomgarden

Voting No: Haggard, Jensen, Steele

Excused: Stricherz

HB 1187: exempt health care sharing ministries from the provisions of the health insurance code.

**(continued from morning meeting)**

Proponents: Representative Phil Jensen (Handouts: 11, 12 and 13)  
James Lansberry, Alliance of Health Care Sharing Ministries, Peoria, IL  
Debbie Pease, SD Safe Childbirth Options INC.  
Linda Schauer, Concerned Women For America  
Dale Bartscher, Family Heritage Alliance Action Inc.  
Opponents: Nathan Lukkes, Department of Labor and Regulation

Senator Larry Rhoden provided testimony in favor of HB 1187 and answered questions of committee members.

**MOTION:** DO PASS HB 1187

Moved by: Jensen  
Second by: Hickey  
Action: Prevailed by roll call vote. (7-3-3-0)

Voting Yes: Haggar, Hickey, Jensen, Magstadt, Sly, Steele, Munsterman

Voting No: Blake, Hawley, Boomgarden

Excused: Iron Cloud III, Lucas, Stricherz

HB 1191: provide for an interstate compact on public health care, to establish an interstate advisory health care commission, to specify the relationship between the member states and the federal government, and to assert the right to federal funding in lieu of certain federally funded incentives.

Proponents: Representative Lora Hubbel (Handouts: 14)  
Tonchi Weaver, SD Citizens for Liberty  
Florence Thompson, self, Caputa  
Opponents: Senator Deb Peters  
Randy Moses, SD Division of Insurance  
Dennis Duncan, Dakotacare

**MOTION:** DO PASS HB 1191

Moved by: Jensen

Second by: Steele  
Action: Failed by roll call vote. (4-7-2-0)

Voting Yes: Haggard, Hickey, Jensen, Steele

Voting No: Blake, Hawley, Lucas, Magstadt, Sly, Munsterman, Boomgarden

Excused: Iron Cloud III, Stricherz

MOTION: DEFER HB 1191 TO THE 41<sup>ST</sup> LEGISLATIVE DAY

Moved by: Munsterman  
Second by: Blake  
Action: Prevailed by roll call vote. (9-2-2-0)

Voting Yes: Blake, Haggard, Hawley, Hickey, Lucas, Magstadt, Sly, Munsterman, Boomgarden

Voting No: Jensen, Steele

Excused: Iron Cloud III, Stricherz

MOTION: ADJOURN

Moved by: Blake  
Second by: Sly  
Action: Prevailed by voice vote.

Grace Curtis  
Committee Secretary

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Jamie Boomgarden, Chair